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COMMITTEE ON THE RIGHTS OF THE CHILD

Second session

SUMMARY RECORD OF THE 28th MEETING*

Held at the Palais des Nations, Geneva,
on Monday, 28 September 1992, at 10.30 a.m.

Chairman: Mrs. BADRAN

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The meeting was called to order at 11.05 a.m.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CRC/C/9)

1. The CHAIRMAN said that, if there were no objections, she would take it that the provisional agenda (CRC/C/9) was adopted.

2. The provisional agenda was adopted.

FILLING OF VACANCY (agenda item 2)

3. The CHAIRMAN invited the members of the Committee to approve, by secret ballot, in accordance with the provisional rules of procedure (CRC/C/4), the appointment of Mr. Antonio Carlos Gomes da Costa to replace Mrs. Maria de Fatima Borges de Omena, who had resigned.

4. Mrs. SANTOS PAIS said that the Committee on the Rights of the Child was being called on for the first time to approve the candidacy of an expert appointed by a Government to replace one who had resigned and that it had to bear in mind the fact that moral integrity and recognized competence in the field of the rights of the child were the essential qualities needed in experts who served in the Committee in their personal capacity.

5. Mr. HAMMARBERG said that he, too, wished to stress that the situation was arising for the first time and that it was therefore important to define clear principles for an unusual, even exceptional procedure. The experts were appointed by their Governments, but their mandate derived from the Convention. They had to be impartial and independent and, above all, represent the community of children throughout the world.

6. At the invitation of the Chairman, Mrs. Raadi (Secretary of the Committee) acted as teller.

7. A vote was taken by secret ballot.

8. The appointment of Mr. Antonio Carlos Gomes da Costa was approved by 8 votes to 1.

ORGANIZATION OF WORK

9. The CHAIRMAN asked the members of the Committee whether they had any amendments to or suggestions on the Committee's proposed programme of work.

10. Mr. MOMBESHORA asked the Secretariat what the position was with regard to the reports to be submitted by States parties in accordance with article 44 of the Convention.

11. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the consideration of agenda item 6 should be fairly brief since the Secretariat had so far received only two initial reports, that of Sweden and that of Bolivia.

12. Mrs. SANTOS PAIS said that she had two points to make. First, she wished to know how the Secretariat intended to proceed with regard to the submission of reports by States parties and, in that connection, she hoped that account

had been taken of the interests and concerns expressed by the Committee in the recommendations contained in the report it had adopted at its first session. Secondly, she thought that the Committee might defer its consideration of agenda item 5 (Preparatory activities relating to the World Conference on Human Rights) and agenda item 14 (Other matters), which was scheduled for 2 October, until 6 October so that they could be considered after agenda item 7 (System of documentation and information) and agenda item 9 (Consideration of information required under each section of the reporting guidelines).

13. Mrs. EUFEMIO said that she would like to have an idea of how much time each speaker would be given on Tuesday, 29 September, to discuss agenda item 4 (Review of developments relevant to the work of the Committee).

14. The CHAIRMAN asked for the opinion of the other members of the Committee on the points raised by Mrs. Santos Pais and Mrs. Eufemio.

15. Mgr. BAMBAREN GASTELUMENDI said he considered that the Committee should also plan to hold closed meetings.

16. The CHAIRMAN said that that was a further question. She invited the Committee to consider the three points one by one.

17. Miss MASON said that she endorsed the proposal made by Mrs. Santos Pais and also proposed that the Committee should complete its consideration of item 7 before going on to item 9 on 2 October.

18. The CHAIRMAN said it would be useful to ask the Secretariat to explain the basis on which it had prepared the agenda and the proposed programme of work.

19. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) replied that the agenda had been prepared with great flexibility and was subject to change. However, any conclusions that might be reached on a given item might enhance the discussion on other questions and the debate on one point did not always have to be closed before the next was started.

20. Following a procedural debate in which Miss MASON, Mrs. EUFEMIO and Mrs. SANTOS PAIS took part and made various suggestions on the order in which the agenda items should be discussed, Mr. HAMMARBERG said he was not sure that such an exercise would serve any purpose. It would be wiser to ask the Chairman to consider all the suggestions made and draw up a revised proposed programme of work for the next day's meeting.

21. The CHAIRMAN suggested that, if the Committee saw no objection, the Bureau should meet privately after the current meeting to consider the amendments to be made to the proposed programme of work on the basis of the various suggestions put forward and draw up a new draft to be submitted to the Committee at the following meeting.

22. It was so decided.

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 44 OF THE CONVENTION (agenda item 6) (CRC/C/3 and 8)

23. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) recalled that, in accordance with the Secretary-General's Note on the initial reports of States parties to be submitted in 1992 (CRC/C/3), reports had been due from 22 States by 1 September 1992 and from 9 other States before the end of the present session. However, only Sweden and Bolivia had fulfilled that obligation, while some countries had said that their reports would be submitted during the present session. Of the other States concerned, France had informed the Secretariat by a note verbale that it would submit its report by 15 December 1992. It might be necessary for the Committee to refer to its provisional rules of procedure (CRC/C/4), which specified the measures to be taken when reports were not submitted or additional information provided within the time-limits set. Rule 67 of the provisional rules of procedure stated that, in such cases, "the Committee shall transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of such report or additional information and undertake any other efforts in a spirit of dialogue between the State concerned and the Committee". The Committee thus had to decide whether a reminder should be sent to a State as soon as the time-limit for submitting its report had expired or whether it would consider the possibility of allowing a longer deadline. The two reports submitted were being translated and would be distributed shortly.

24. The CHAIRMAN said that Egypt had also submitted its report, which was probably being translated as well. There were likely to be other similar cases.

25. Mr. HAMMARBERG said that the Committee had to insist that States parties should meet deadlines. In his view, reminders should be sent out automatically as soon as the deadlines had expired or at the very latest one month after the due date. Reporting in good time was an obligation that Governments had undertaken.

26. Mrs. BELEMBAOGO said that she was also of the opinion that a reminder and a request for explanations should be sent to States that were late in submitting their reports, as soon as the deadline had expired.

27. Mgr. BAMBAREN GASTELUMENDI said that he too considered it extremely important for States parties to meet deadlines for the submission of reports, but he pointed out to the members of the Committee that a less formal procedure might be adopted by requesting the Secretariat to contact the diplomatic missions of the States concerned to ask for explanations and stress that deadlines must be met.

28. Mr. MOMBESHORA said that the Committee should wait until the end of its session to draw up a list of the States that had been supposed to submit their reports, but had not done so, and then send them a written reminder and a request for explanations. Moreover, some States might not know how to prepare their reports and, in such cases, it would be useful to give them technical assistance.

29. Mrs. SANTOS PAIS pointed out that human rights reports were submitted in two parts. The first, which constituted a basic document, was designed to give a general idea of the position in the reporting States and should be

submitted to the Committee on time, since it did not involve any particular problems. In the case of the second, more specific part, however, matters were slightly more complicated, since the data to be communicated were multidisciplinary in nature and involved extra coordination by the administrative departments concerned. The Committee should perhaps allow more leeway with regard to deadlines for submitting the second part.

30. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that, as a first step, the Secretariat would be responsible for contacting the diplomatic missions of the States concerned to obtain information about the reports that were due.

31. The CHAIRMAN suggested that the meeting should rise early to allow the Bureau to consider the work programme and submit further proposals to the Committee at the following meeting.

The meeting rose at 11.55 a.m.